



**Legislative Bulletin.....December 5, 2012**

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**H.R. \_\_\_\_** — Coast Guard and Maritime Transportation Act of 2011

**H.R. \_\_\_\_ — House Amendment to Senate Amendments to Coast Guard and Maritime Transportation Act of 2011 (LoBiondo, R-NJ)**

**Order of Business:** The legislation is scheduled to be considered under suspension of the rules on Wednesday, December 5, 2012. The bill will require two-thirds majority vote for passage, and provides forty minutes of debate equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure.

**Summary:** H.R. \_\_\_\_ would authorize a total of \$17.4 billion for the Coast Guard over two years, FY 2013 and FY 2014 and make other adjustments to Coast Guard policy and management. Highlights are below:

Title I Coast Guard Discretionary Authorizations

<i>(Billion of Dollars)</i> <b>Account</b>	<b>H.R. 2838: FY13</b>	<b>H.R. 2838: FY14</b>
Operations & Maintenance	\$6.9	\$7
Acquisition & Construction	\$1.5	\$1.5
Research & Development	\$.020	\$.020
Environmental Compliance	\$.017	\$.017
Coast Guard Reserve	\$.138	\$.140
<b>TOTAL</b>	<b>\$8.7</b>	<b>\$8.6</b>

H.R. \_\_\_\_ also provides an authorization of \$25,000,000 each fiscal year 2012 to 2013 that will be derived from the Oil Spill Liability Trust Fund to carry out the payment of federal administrative, operational, and personnel costs and expenses reasonably necessary for and

incidental to the implementation, administration, and enforcement of the Oil Pollution Act of 1990.

In addition to the authorized discretionary spending levels contained in Title I noted above, H.R. 2838 also includes numerous additional, smaller levels of authorized spending subject to appropriation in other sections of the bill. These are some of the bill highlights along with a description of some of the smaller levels of authorized spending subject to appropriation from other sections of the bill.

#### *Authorized Levels of Military Strength and Training*

- Authorizes the hiring and retention of 47,000 active-duty Coast Guard personnel for each of the fiscal years 2013 through fiscal year 2014.
- Authorizes average military training student loads for the each of the fiscal years 2012 through fiscal year 2014 as follows:
  - --recruit and special training: 2,500 student years
  - --flight training: 165 student years
  - --professional training in military and civilian institutions: 350 student years
  - --officer acquisition: 1,200 student years

#### *Coast Guard and Servicemember Parity*

- The legislation requires foreign countries that send cadets to the Coast Guard Academy for instruction to reimburse the U.S. Government for the cost of providing healthcare to those cadets.
- The legislation requires the Coast Guard Academy to institute the same sexual harassment policy that exists at the other military service academies. It conforms survey and reporting requirements to those of the other service academies.
- The legislation authorizes the Coast Guard to expend not more than \$1,500,000 from amounts available for operating expenses for unspecified minor construction and improvement projects at any one location. It also requires the Secretary of Homeland Security to report to the Committee on each project undertaken during the course of the preceding fiscal year for which the amounts expended exceeded \$500,000.
- The legislation authorizes the Commandant to disclose to the public information regarding investigations of Coast Guard aircraft accidents, so long as doing so would not undermine the ability of accident or safety investigators to continue to conduct the investigation and would not compromise national security. It also makes conclusions of the investigators inadmissible in legal proceedings.
- The legislation clarifies the Coast Guard's expedited hiring authority and extends the authority through fiscal year 2015.

- The legislation requires the Commandant to submit a report to the Committee on the condition of Coast Guard servicemember housing. The Committee remains very concerned with the current state of Coast Guard servicemember housing. The Committee has heard testimony from the Coast Guard regarding the outdated, obsolete, and even dilapidated housing servicemembers and their families often must live in.

### **Coast Guard Reform:**

- H.R. \_\_\_ repeals certain outdated and duplicative sections of title 14, United State Code. The legislative repeals:
  - Section 55 of title 14, United States Code requires that the Commandant of the Coast Guard establish an Ombudsman for each Coast Guard District. The ombudsman is responsible for coordinating and communicating with marine industry in the District.
  - Section 82 of title 14, United States Code authorizes coordination with the FAA for the maintenance of air aids to navigation. The Committee is repealing this provision because the Coast Guard no longer maintains air aids to navigation.
- The legislation makes the knowing and willful interference with Coast Guard transmissions a class-E felony offense. The Coast Guard has testified before the Committee that its ability to conduct its vital missions including protecting the safety of life at sea is entirely dependent on being able to send and receive radio and microwave signals over its network. Interference with those signals places lives in danger. As nearly all navigation is now electronic, this provision is the logical extension of the penalties for offenses related to interfering or tampering with Aids to Navigation.
- The legislation allows the Department of Homeland Security to enter into multiyear contract for the procurement of the Coast Guard National Security Cutters and any equipment associated with that program only after waiting 30 days since submitting a cost and savings certification to Congress.
- The legislation would expand eligibility for enrollment in the Coast Guard Auxiliary to legal permanent residents. Currently, legal permanent residents can serve in the Armed Forces.
- The legislation prohibits the decommissioning of two icebreakers, Polar Sea or the Polar Star, until an analysis can be performed on the merits of extending their useful service lives.
- The legislation requires the Secretary of Homeland Security to conduct a business case analysis of the options for, and costs of, reactivating and extending the service life of the *Polar Sea* until at least Sept. 30, 2022. This report must address an assessment of the current condition of the *Polar Sea*; a determination of the *Polar Sea's* operational capabilities with respect to high latitude operating requirements if renovated and

reactivated; a detailed estimate of costs with respect to reactivating and extending its life; a life cycle cost estimate with respect to operating and maintaining the *Polar Sea* for the duration of its extended service life; and a determination of whether it would be cost effective to reactivate the *Polar Sea* compared with other options to provide icebreaking services.

- The legislation limits expenditures on certain Coast Guard programs which provide assistance to foreign nations to \$100,000 annually.

### **Shipping and Navigation:**

- The legislation eliminates burdensome requirements on businesses and workers by directing DHS to reform the Transportation Worker Identification Credential (TWIC) process by requiring not more than one in-person visit for the enrollment, activation, issuance, and renewal of TWICs. Currently, transportation workers are required to appear in-person multiple times at an enrollment center, which for some individuals can be hundreds of miles away, for both the enrollment and initial issuance and then renewal of their TWICs. Streamlining the TWIC process by eliminating various in-person visits is a welcomed reform because it will allow businesses and workers to spend less time complying with government red tape and more time growing our economy.
- H.R. \_\_\_ provides a formal authorization to the existing interagency Committee on the Marine Transportation System. It also requires the Committee to provide Congress with a strategy on ways to improve the Marine Transportation System every five years.
- The legislation requires the Secretary of Homeland Security to report to the Committee on the Coast Guard's foreign rebuild determination regulations, the impact of those regulations on maritime industries, and recommendations for improving the transparency in the Service's foreign rebuild determination process.
- The legislation extends the expiration of the current vessel manning requirements waiver for distant water tuna fleet vessels so that it corresponds to the expiration of the Treaty on Fisheries between the governments of certain Pacific island states and the United States. The legislation gives distant water tuna vessels in the Western Pacific Ocean the option of using Guam as their required port of call in order to meet U.S. maritime regulations. The Coast Guard has testified before the Committee that it does not have the resources to conduct examinations on all 35,000 commercial fishing vessels prior to October 15, 2012. The Service has also testified that without an examination, these vessels will not be permitted to leave the dock.
- The legislation clarifies that the mission of the Maritime Administration shall be to foster, promote, and develop the domestic merchant maritime industry of the United States.

### **Miscellaneous Provisions:**

- The legislation requires the Commandant to report to the Committee on the present merchant mariner medical evaluation program and alternatives to the program. The Committee is concerned the current program is unduly burdensome on U.S. mariners; is not equipped to handle the expected demand of moving to a two year licensing regime called for under the amendments to the Standards of Training, Certification, and Watchkeeping recently adopted by the International Maritime Organization; and is not consistent with similar medical review programs in other transportation modes.
- The legislation requires the operators of offshore drilling platforms to contract for vessels to be in the area of the platform to perform evacuations.

**Background:** The Transportation and Infrastructure Committee provided the following background on the Coast Guard in the [committee report](#):

The United States Coast Guard was established on January 28, 1915, through the consolidation of the Revenue Cutter Service (established in 1790) and the Lifesaving Service (established in 1848). The Coast Guard later assumed the duties of three other agencies: the Lighthouse Service (established 1789), the Steamboat Inspection Service (established in 1838), and the Bureau of Navigation (established in 1884).

Under section 2 of title 14, United States Code, the Coast Guard has primary responsibility to enforce or assist in the enforcement of all applicable Federal laws in, under, and over the high seas and waters subject to the jurisdiction of the United States; to ensure safety of life and property at sea; to protect the marine environment; to carry out domestic and international icebreaking activities; and to ensure the safety and security of vessels, ports, waterways, and related facilities. As one of the five armed services that comprise the armed forces, the Coast Guard also maintains defense readiness to operate as a specialized service in the Navy upon the declaration of war or when the President directs. The Coast Guard is composed of approximately 42,000 military personnel, 8,100 reservists, 6,700 civilian employees, and 36,000 volunteers of the Coast Guard Auxiliary. The Coast Guard or its predecessors have defended the Nation in every war since 1790.

**Committee Action:** H.R. 2838 was introduced by Rep. Frank LoBiondo (R-NJ) on September 9, 2011, and was referred to the Committee on Transportation and Infrastructure. The committee amended the bill on October 3, 2011 and then passed the bill by voice vote and placed the bill on the Union Calendar. On November 15, 2012 the legislation was passed and agreed to by voice vote in the House of Representatives. On September 22, 2012 the Senate Committee on Commerce, Science, and Transportation discharged the bill by Unanimous Consent (UC), and the Senate passed the legislation with an amendment and an amendment to the Title by UC.

**Administration Position:** No Statement of Administration Policy (SAP) was issued at press time but according to the SAP for the original House passed bill, “The Administration strongly opposed House passage of H.R. 2838 because it includes a provision that would require the Coast Guard to decommission the icebreaker USCGC POLAR STAR.” The original house

language, which allowed the Coast Guard to decommission the icebreaker USCGC POLAR STAR, was stripped from this current version of the bill.

**Cost to Taxpayers:** A CBO report is unavailable.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** According to the original version of the bill’s CBO report, “The bill contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA). H.R. 2838 would impose a private-sector mandate, as defined in UMRA, on owners and operators of offshore facilities used in the production of oil and gas. Based on information from the Department of the Interior and industry sources, CBO estimates that the aggregate cost of the mandate would probably exceed the annual threshold established in UMRA for private-sector mandates (\$142 million in 2011, adjusted annually for inflation).”

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** A committee report citing compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available.

**Constitutional Authority:** According the statement of constitutional authority, “Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8 of the United States Constitution.”

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